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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,063	05/22/2000	Daisuke Terasawa	PA000307	2817

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

MEHRA, INDER P

ART UNIT PAPER NUMBER

2666

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/576,063

Applicant(s)

TERASAWA ET AL.

Examiner

Inder P Mehra

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4&5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This is in response to application dated: 5/22/2000.

#### *Specifications*

2. The disclosure is objected to because of the following informalities:

Refer to page 6 line 2, "downlink signal 111 (line 1) need to be combined with data symbols S2X received via downlink signal 111 (line 2) . if mobobil station 101---."

"Downlink signal 111 in line 2 should be "downlink signal 112", because two symbols from different cells are combined.

Appropriate correction or clarification is required.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said down link data frame offset" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 10 recites, "base station including said cell and base station controller". This is not consistent with well known cell configuration which defines cell to include base station and base station controller.

Appropriate clarification or correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-9 and 11 are rejected under 35 U.S.C. 102(b) as being by **Teder et al** (US Patent No. 5,828,659), hereinafter, Teder.

For claim 1-2, 7, 9 and 11, Teder discloses, in reference to figs. 2-5, a communication system, a method for informing a mobile station of a downlink data frame time offset, refer to abstract, and col. 1 lines 8-15, comprising:

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- determining said downlink data frame time offset, as taught by claims 1, 9 and 11, refer to “traffic channel offset” in fig. 3, refer to col. 8 line 60 to col. 7 line 2, col. 9 lines 12-16, col. 10 lines 7-35, and col. 17 lines 13-15;
- transmitting ---time offset from a cell to said mobile station, as taught by claims 1, 7, 9 and 11, refer to figs. 1, 2, and 3 (step S5), refer to col. 4 lines 47-51 and col. 14 lines 31-35.
- the downlink data frame offset is included in an Active Set Update message” and -----WCDMA, as taught by claims 1-2, 7, 9 and 11 refer to col. 7 lines 54-56;
- a receiver (60 in fig. 6)----receive a downlink data frame time offset -----to a mobile station, as taught by claims 7 and 11, refer to col. 4 lines 35-57;
- a time offset block for adjusting data symbol timing ---time offset, as taught by claims 7 and 11, refer to col. 4 lines 35-57;

For claim 3, Teder discloses :

- receiving a time offset measured by the mobile station, refer to step S3 in fig. 4, and refer to col. 4 lines 24-26;
- wherein the determining the downlink data frame time off set ----by the mobile station, refer to “traffic channel offset” in fig. 3, refer to col. 8 line 60 to col. 7 line 2, col. 9 lines 12-16, col. 10 lines 7-35, and col. 17 lines 13-15;

For claim 4, Teder discloses,

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- the receiving the time offset is performed via a measurement report message ---  
by mobile station, refer to step S3 of fig. 4, col. 4 lines 30-32 and col. 7 lines 67  
to col. 8 lines 8.

For claim 5, Teder discloses:

- adjusting timing of a time offset adjuster in the mobile -----for a soft combining  
operation, refer to "update time offset", col. 4 lines 35-57, col. 4 lines 65-67 and  
col. 5 lines 40-50.

For claim 6, Tedet discloses:

- soft, refer to col. 6 lines 40-42, combining the corresponding data symbols,  
refer to col. 5 line 45 and col. 12 lines 12-13.

For claim 8, Teder discloses, in reference to fig. 6:

- receiver (60, 62A and 62B in fig. 6) and the time offset block (63 in fig. 6)-----  
mobile station, refer to col. 11 lines 30-47.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Teder et al** (US Patent No. 5,828,659), hereinafter, Teder, as applied to claim 9 above, and further in view of **Kokko et al** (US Patent No. 6,005, 852), hereinafter, Kokko.

For claim 10, Teder discloses all the limitations of subject matter of claim 10, including base station and cell (cellular system), refer to fig. 2, with the exception of base station controller (BSC);

Kokko discloses BSC and Base station and cell in fig. 1, refer to col. 7 lines 5-10.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of BSC, as taught by KOKKO. The capability can be implemented by combining the BSC with Base station in a cell. The suggestion/motivation to do so would have been to optimize the load of the system over several cells and synchronize the traffic channels of base stations during soft handoff.

#### ***Prior Art***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hopkins (US Patent No. 6,239,719) discloses a method of time stamps an electronic message in accordance with information about the time zone.
- Kim (US Patent No. 5,201,066) discloses a radio-telephone system employing a manner of changing a channel and a privacy digital code.

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*Conclusion*

12. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand –delivered responses should be brought to Crystal Park II, 2121 Crystal drive,  
Arlington, VA, sixth floor (Receptionist).

Inder Mehra  
Inder Mehra 9/27/03

September 27 , 2003

D. W. T.  
PRIMARY EXAMINER